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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HAROLD DAVID SOBEL,

Defendant.

CASE NO.: 2:21-cr-00235-APG-EJY

**Stipulation to Continue Sentencing and
Proposed Order
(Third Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney for the District of Nevada, and Mina Chang, Assistant United States Attorney, and Amanda N. Liskamm, Acting Director, and Meredith B. Healy and Wei Xiang, Trial Attorneys, U.S. Department of Justice, Consumer Protection Branch, counsel for the United States of America, and Jacqueline Tirinnanzi and Kathleen Bliss, counsel for Harold David Sobel, that the sentencing hearing currently scheduled for November 9, 2022 at 11:00 a.m. (ECF No. 82) is continued for 30 days, to a date and time convenient to this Court, December 13, 2022 if possible. This stipulation is made and based upon the following:

1. Mr. Sobel was indicted on August 24, 2021 with conspiracy (count one) in violation of 18 U.S.C. § 371 and false statement to a bank (counts two and three) in violation of 18 U.S.C. § 1014. (ECF No. 14.)
2. Mr. Sobel entered a change of plea on July 14, 2022, pleading guilty to one count of conspiracy to commit bank fraud in violation of 18 U.S.C. §§ 1349 and 1344(1). (ECF No. 53).
3. Counsel were recently made aware of and obtained updated records in relation to Mr.

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Sobel's representation which are directly relevant to sentencing and mitigation. Counsel and their expert require additional time to evaluate said records and provide the expert the opportunity to determine if there is need to update their professional opinion.

4. Mr. Sobel remains in custody at the Nevada Southern Detention Center in Pahrump, Nevada and does not oppose this continuance.
5. The additional time requested herein is sought in good faith and not for purposes of delay.
6. This is the third stipulation to continue the sentencing hearing.
7. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the "court may, for good cause, change any time limits prescribed [for sentencing] in this rule." Furthermore, a delay in sentencing does not implicate or undermine the defendant's speedy trial rights under the United States Constitution, which terminated upon conviction. *See Betterman v. Montana*, 136 S.Ct. 1609, 1617-18 (2016).
8. Denial of this request for continuance would deny counsel for Mr. Sobel sufficient time to effectively and thoroughly prepare for sentencing, taking into account due diligence. Accordingly, a denial of this request for continuance could result in a miscarriage of justice.

Dated this 2nd day of November, 2022.

JASON M. FRIERSON
United States Attorney

By /s/ Mina Chang
MINA CHANG
Assistant United States Attorney

AMANDA N. LISKAMM
Acting Director, Consumer Protection Branch
U.S. Department of Justice

By /s/ Meredith Burns Healy

1 MEREDITH BURNS HEALY
2 Trial Attorney

3 By /s/ Wei Xiang
4 WEI XIANG
5 Trial Attorney

6 /s/ Jacqueline Tirinnanzi
7 JACQUELINE TIRINNANZI, ESQ.
8 Counsel for Harold David Sobel
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HAROLD DAVID SOBEL,

Defendant.

CASE NO.: 2:21-cr-00235-APG-EJY

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND PROPOSED ORDER**

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Mr. Sobel was indicted on August 24, 2021 with conspiracy (count one) in violation of 18 U.S.C. § 371 and false statement to a bank (counts two and three) in violation of 18 U.S.C. § 1014. (ECF No. 14.)
2. Mr. Sobel entered a change of plea on July 14, 2022, pleading guilty to one count of conspiracy to commit bank fraud in violation of 18 U.S.C. §§ 1349 and 1344(1). (ECF No. 53).
3. Counsel were recently made aware of and obtained updated records in relation to Mr. Sobel's representation directly relevant to sentencing and mitigation. Counsel and their expert requires additional time to evaluate said records and provide the expert the opportunity to potentially update their position.
4. Mr. Sobel remains in custody at the Nevada Southern Detention Center in Pahrump, Nevada and does not oppose this continuance.
5. The additional time requested herein is sought in good faith and not for purposes of delay.
6. This is the third stipulation to continue the sentencing hearing.
7. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the "court may, for good cause, change any time limits prescribed [for sentencing] in this rule." Furthermore, a delay in sentencing does not

1 implicate or undermine the defendant's speedy trial rights under the United States
2 Constitution, which terminated upon conviction. *See Betterman v. Montana*, 136 S.Ct.
3 1609, 1617-18 (2016).

- 4 8. Denial of this request for continuance would deny counsel for Mr. Sobel sufficient time to
5 effectively and thoroughly prepare for sentencing, taking into account due diligence.
6 Accordingly, a denial of this request for continuance could result in a miscarriage of
7 justice.
8

9 **ORDER**

10 Based upon the stipulation of the parties, and good cause appearing, it is hereby
11 ORDERED that Mr. Sobel's sentencing hearing currently scheduled for November 9, 2022, at
12 11:00 a.m., be VACATED.

13 IT IS FURTHER ORDERED that the sentencing hearing is reset for
14 December 14, 2022 at the hour of 2:30 p.m. before Judge Andrew P. Gordon in Las Vegas
15 Courtroom 6C.
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17 DATED: November 3, 2022

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19 THE HONORABLE ANDREW P. GORDON
20 UNITED STATES DISTRICT JUDGE
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